

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LAZARO GINEBRA-VERA,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 3:23-271
	)	Judge Nora Barry Fischer
DIRECTOR BOP COLETTE S. PETERS and,	)	Magistrate Judge Keith Pesto
WARDEN MICHAEL UNDERWOOD,	)	
	)	
Respondents.		

**MEMORANDUM ORDER**

AND NOW, this 31st day of December, 2024, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Keith A. Pesto on June 18, 2024, (Docket No. 16), recommending that the § 2241 habeas petition filed by Petitioner Lazaro Ginebra-Vera against BOP Director Colette S. Peters and Warden Michael Underwood be dismissed preservice because he failed to exhaust administrative remedies, Petitioner's Response which was timely filed within 14 days as directed by the Magistrate Judge and his later Supplement filed on September 3, 2024, both of which point out efforts that he took to exhaust administrative remedies in the many months following his initiation of this action via his petition dated October 30, 2023, (Docket Nos. 17, 18), as well as his subsequent correspondence further indicating that this action was prematurely filed before all administrative appeals had been exhausted, (Docket Nos. 19, 20, 21), and this matter having been recently reassigned to the undersigned for prompt disposition of the matter, (Docket No. 22), and upon independent review of the record and de novo consideration of the Magistrate Judge's Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that Petitioner's Objections set forth in this Response and Supplement (Docket No. 17, 18) are OVERRULED, as dismissal of this action, without prejudice, for failure to exhaust administrative remedies, is consistent with rulings made in this District, *see e.g., Saavedra-Ramirez v. Peters*, No. 3:23-CV-268-KAP, 2024 WL 2136679, at \*2 (W.D. Pa. Mar. 12, 2024), *report and recommendation adopted*, No. CV 3:23-268, 2024 WL 1550379 (W.D. Pa. Apr. 10, 2024), *appeal dismissed sub nom. Saavedra-Ramirez v. Dir. Fed. Bureau of Prisons*, No. 24-1738, 2024 WL 4677955 (3d Cir. July 18, 2024) (District Court upholding dismissal for failure to exhaust when the habeas petition was filed prior to the exhaustion of administrative remedies and appeal dismissed),

IT IS FURTHER ORDERED that the Petition (Docket No. 15) is DISMISSED, without prejudice, for failure to exhaust administrative remedies; and,

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED.

s/Nora Barry Fischer  
Nora Barry Fischer  
Senior U.S. District Judge

Dated: December 31, 2024

cc/ecf: Magistrate Judge Keith A. Pesto

cc: Lazaro Ginebra-Vera, Reg. No. 84155-004  
F.C.I. Loretto  
P.O. Box 1000  
Cresson, PA 16630 (via first class mail)